



# Regulatory and General Purposes Committee

<b>Date:</b>	<b>Wednesday, 18 November 2020</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Virtual</b>

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

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## AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee are asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any item on the agenda and state the nature of the interest.

**2. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting held on 14 October 2020.

**3. MINUTES OF THE LICENSING PANEL (Pages 5 - 8)**

To approve the accuracy of the minutes of the meeting of the Licensing Panel held on 24 September 2020.

**4. CONFERMENT OF THE TITLE OF HONORARY ALDERMAN  
(Pages 9 - 12)**

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## REGULATORY AND GENERAL PURPOSES COMMITTEE

Wednesday, 14 October 2020

<u>Present:</u>	Councillor	A Hodson (Chair)	
	Councillors	M Collins	D Mitchell
		C Cooke	L Rowlands
		G Davies	J Stapleton
		K Greaney	I Williams
		AER Jones	KJ Williams
		C Jones	S Williams
<u>Apologies</u>	Councillor	T Norbury	

### 1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any item on the agenda and state the nature of the interest.

No such declarations were made.

### 2 MINUTES

**Resolved** – That the accuracy of the minutes of the meeting of the Licensing, Health and Safety and General Purposes Committee held on 18 March 2020 be approved.

### 3 MINUTES OF THE LICENSING PANEL

**Resolved** – That the accuracy of the minutes of the meetings of the Licensing Panel held on 15 November 2019, 13 December 2019, 20 December 2019, 20 December 2019 (reconvened meeting from 13 December 2019), 24 January 2020, 31 January 2020, 14 February 2020, 13 March 2020, 12 June 2020 and 24 July 2020 be approved.

### 4 APPOINTMENT OF THE REGULATORY PANEL 2020/21

The Director of Law and Governance submitted a report to enable the Regulatory and General Purposes Committee to establish a Regulatory Panel, the Terms of Reference of which were approved by Council on 28 September 2020.

The Legal Advisor to the Committee advised that the Constitution as approved by Council requires the establishment of the Regulatory Panel with a membership of between 3 and 5 members with the allocation of seats according to the size of the political groups.

Standing Order 4.2 required that for each Committee or Sub-Committee including the Regulatory Panel, the Council may appoint up to a maximum of half (50%) the number of substitutes in respect of each political group as that group holds ordinary seats on that committee or subcommittee. In terms of all the permutations provided within the report, each of the Labour, Conservative and Liberal Democrat Groups would be entitled to one substitute member.

**On a motion by the Chair and seconded by Councillor L Rowlands it was**

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**Resolved –**

**(1) That Regulatory Panel be appointed with the following Terms of Reference until amended or otherwise changed by this Committee and until such time as a new Panel is appointed:**

**The Regulatory Panels will consist of five (5) members of the Regulatory and General Purposes Committee, politically balanced, with responsibility for the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).**

**(2) That the size of the Regulatory Panel, having regard to the options referred to in paragraph 5.5 of the report be comprised of 5 Members with the political ratio of 2 Conservative (1 substitute), 2 Labour (1 substitute) and 1 Liberal Democrat (1 substitute).**

**(3) That the Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of the Regulatory Panel.**

**(4) That further to nominations submitted the following Members be appointed accordingly to the Regulatory Panel:**

**2 Conservative**

**1 Substitute**

**Councillor A Hodson  
Councillor S Williams**

**Councillor M Collins**

**2 Labour**

**Councillor A Jones  
Councillor G Davies**

**Councillor J Stapleton**

**1 Liberal Democrat**

**Councillor D Mitchell**

**Councillor A Corkhill**

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## LICENSING PANEL

Thursday, 24 September 2020

Present: Councillors A Hodson  
M Collins  
T Norbury

### 144 APPOINTMENT OF CHAIR

In the absence of the Chair, it was –

**Resolved – That Councillor A Hodson be appointed Chair for this meeting.**

### 145 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

### 146 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER JC56 ASH

The Director of Governance and Assurance reported upon an application received to licence a Toyota Prius, registration number JC56 ASH, beyond the normal overage date for a licensed private hire vehicle. The vehicle had previously been licensed as a Private Hire Vehicle from 8 May 2018 until 25 June 2020 when the licence was not renewed. The date of first registration of the vehicle was 15 October 2010. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel inspected photographs of the vehicle.

**Resolved – That the application to licence the Toyota Prius, registration number JC56 ASH for six months be granted.**

### 147 HACKNEY CARRIAGE VEHICLE LICENCE - LTI TX4, REGISTRATION NUMBER BF09 TXN

The Director of Governance and Assurance reported upon an application received to licence a LTI TX4, registration number BF09 TXN as a Hackney Carriage Vehicle. The current criteria states that "every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)". The date of first registration of the vehicle was 25 March 2009 and therefore the vehicle is over three years old. The vehicle had previously been licensed as a Hackney Carriage

Vehicle from 28 June 2013 until 27 June 2020 when the licence was not renewed. The vehicle had then been purchased by Wirral Car Solutions Ltd.

The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel inspected photographs of the vehicle.

**Resolved – That the application to licence the LTI TX4, registration number BF09 TXN as a Hackney Carriage Vehicle be granted subject to the following conditions:**

- **The driver seat must be replaced;**
- **The vehicle be valeted prior to the licence being issued;**
- **Matching wheel trims must be fitted to the vehicle; and**
- **A condition be attached to the licence stating that the vehicle must be presented for inspection by a Licensing Officer should this be requested and failure to do so will result in the Hackney Carriage Vehicle Licence being suspended with immediate effect.**

148 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - LTI TXII, REGISTRATION NUMBER LB54 OSN**

The Director of Governance and Assurance reported upon an application received to licence a LTI TXII, registration number LB54 OSN as a Hackney Carriage Vehicle.

On 22 May 2013 Members of the Licensing, Health and Safety and General Purposes Committee resolved that “in circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old and that this Policy is to have immediate effect. The Licensing Panel be delegated with the authority to act outside this policy.” Members were asked to consider the application submitted by the applicant, to change the vehicle that is currently licensed as a Hackney Carriage Vehicle, registration number T946 BFM which is 21 years old, to the vehicle registration number LB54 OSN which is 15 years old.

The current vehicle licence was due to expire on 24 September 2020. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of phone call and Members of the Panel inspected photographs of the vehicle.

Members gave consideration to the extenuating circumstances caused by the Covid-19 pandemic.

**Resolved** – That the application to licence the LTI TXII, registration number LB54 0SN as a Hackney Carriage Vehicle be granted subject to the following conditions:

- The driver seat must be repaired;
- The vehicle be valeted prior to the licence being issued; and
- A condition be attached to the licence stating that the vehicle must be presented for inspection by a Licensing Officer should this be requested and failure to do so will result in the Hackney Carriage Vehicle Licence being suspended with immediate effect.

149 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved** - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

150 **PRIVATE HIRE DRIVER LICENCE (AA)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr AA should continue to hold a Private Hire Driver Licence.

Mr AA did not attend the meeting.

**Resolved** – That the decision in respect of this matter be delegated to officers.

151 **PRIVATE HIRE DRIVER LICENCE (CJE)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr CJE should continue to hold a Private Hire Driver Licence.

Mr CJE attended the meeting by way of phone call and made representations. Members questioned Mr CJE.

Members considered carefully the representations made by Mr CJE.

Members gave due consideration to Mr CJE's representations and exercised their rights to consider each case on its individual merits in light of the representations made.

**Resolved** – That Mr CJE be allowed to continue to hold a Private Hire Driver Licence subject to him successfully completing an NVQ in Road Passenger Vehicle Driving by 15 December 2020.

152 **PRIVATE HIRE DRIVER LICENCE (MDKR)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr MDKR should continue to hold a Private Hire Driver Licence. Members were made aware that Mr MDKR also held a Hackney Carriage Driver

Licence and therefore also considered whether he should continue to hold a Hackney Carriage Driver Licence.

Mr MDKR attended the meeting by way of video conference and made representations. Members questioned Mr MDKR.

Members considered carefully the representations made by Mr MDKR.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a revocation of the licences with immediate effect was justified in the circumstances.

**Resolved – That, in the interests of public safety, Mr MDKR's Private Hire Driver Licence and Hackney Carriage Driver Licence be revoked with immediate effect.**



## **REGULATORY AND GENERAL PURPOSE COMMITTEE**

**Wednesday, 18 November 2020**

<b>REPORT TITLE:</b>	<b>CONFERMENT OF THE TITLE OF HONORARY ALDERMAN</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### **REPORT SUMMARY**

This report requests the Committee to give consideration to whether to recommend to the Council that the title of Honorary Alderman be posthumously conferred on former Councillor Bill Davies.

Consideration of this matter had originally been scheduled for a meeting of the Regulatory and General Purposes Committee on 14 October 2020 but due to the serious nature of his illness, former Councillor Bill Davies sadly passed away on 2 October 2020, and the matter was deferred.

The Regulatory and General Purposes Committee is now asked to consider whether Council be recommended to posthumously confer of the title of Honorary Alderman on former Councillor Bill Davies.

### **RECOMMENDATION/S**

The Regulatory and General Purposes Committee is requested to recommend to Council the posthumous conferment of the title of Honorary Alderman on former Councillor Bill Davies, in accordance with Section 249 of the Local Government Act 1972.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Former Councillor Bill Davies was a Member of the Council from May 1986, representing Rock Ferry Ward as a Labour Party Member until March 2019, after which he continued to serve Rock Ferry as an Independent Member-until tendering his resignation as an Elected Member of the Council on Friday 4 September 2020. Former Councillor Bill Davies sadly passed away on 2 October 2020, during the lead up to a meeting of this committee where a recommendation to confer the title of Honorary Alderman was scheduled for consideration.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 An alternative option would be not to recommend posthumous conferment of the title of Honorary Alderman.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Section 249 of the Local Government Act 1972 provides that the title of Honorary Alderman may be conferred by the Council on persons who have, in its opinion, rendered eminent service to the Council as past Members of this Council, (or a predecessor Council), but who are no longer Councillors. The title is to be conferred by a resolution passed by not less than two thirds of the Members voting on it at a meeting of the Council specially convened for the purpose.
- 3.2 Honorary Aldermen are invited to attend Council meetings in a non-participating capacity. They do not to receive any allowances or payments under section 173 to 176 of the Local Government Act 1972. Honorary Aldermen are also invited to attend and take part in civic ceremonies such as Civic Sundays and Remembrance Sundays and other appropriate civic events. The names of Honorary Aldermen are inscribed on a Roll of Honour board on the first floor landing of Wallasey Town Hall.
- 3.3 Previously, the Council determined that former Members who have served twenty years on the Council or a predecessor Council are eligible for nomination to this Award. Successful nominees have been awarded a suitable badge at a special ceremony. Until consideration of this matter, no prior considerations of the title of Honorary Alderman have been awarded posthumously.
- 3.4 Former Councillor Bill Davies was the only person eligible to be appointed as an Honorary Alderman at the time of preparing the original report scheduled for consideration by this committee in October 2020 and in light of the fact the process to confer the status of Honorary Alderman had already commenced prior to his passing it is considered that in these exceptional circumstances the conferment of the status of Honorary Alderman posthumously should continue out of respect for former Councillor Davies.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 It would be the intention to present Mr Davies' family with a badge of office, the total cost of which is approximately £600. There will also be the small cost of inscribing his name on the Roll of Honour board which can be met from existing budgets.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The formal decision to confer the status of Honorary Alderman must be ratified at an Extraordinary Meeting of the Council by a resolution passed by not less than two thirds of the Members voting on it. It is proposed that the Extraordinary Meeting be convened at 6:00pm on Wednesday, 9 December 2020.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 It would be the intention to present Mr Davies' family with a badge of office, the total cost of which is approximately £600. There will also be the small cost of inscribing his name on the Roll of Honour board which can be met from existing budgets.
- 6.2 It is also customary for the Council to cover the cost of any hospitality provided for the newly appointed Honorary Aldermen and a select number of guests. There is no specific budget head for this but the funding required can be allocated from the Civic Services catering budget. Consideration will be given to the current Covid-19 pandemic.

#### **7.0 RELEVANT RISKS**

- 7.1 There are no specific risks associated with this report other than referred to in paragraph 6.2 above, namely those directly arising from any hospitality arrangements that may be considered during the current Covid-19 pandemic.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Political Group Leaders have been consulted on these proposals.

#### **9.0 EQUALITY IMPLICATIONS**

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. Measuring the impact of equality implications and mitigating any negative impact where possible is embedded into the core principles of good governance. There are no equality implications arising from this report.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 There are none arising directly from this report.

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**APPENDICES**

None

**BACKGROUND PAPERS**

Section 249 of the Local Government Act 1972

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Not Applicable	